

REMARKS

Claims 1, 3-8 and 10-12 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Buell, in view of keychains for boaters of the admitted prior art and Bishop, which was cited as disclosing a card holder including a hole for securing a card to a retaining element. The Examiner indicated that the declaration by the Applicant, Robert Grossman, failed to provide a clear nexus between the claimed invention and the stated commercial success, and the Examiner cited Ex parte Standish, 10 USPQ2d 1454, 1458. In that case, the court found that the statement of the inventor by itself did not constitute probative evidence that the product sold corresponded to the product defined in the claims, or that whatever commercial success may have occurred was attributable to the construction defined by the claims. Accordingly, a Declaration of David G. Parkhurst is attached, submitting copies of two purchase orders from state boating agencies of the Applicant's product as claimed, sold under the name "Key-O-Prene Boater's Key-Chains" and copies of web pages from advertising Applicant's product, advertised under the name "Key-O-Prene Boater's Key-Chains," to establish a clear nexus between the claimed invention and the stated commercial success, as required by the Examiner.

It is respectfully submitted that the commercial success of Applicant's floating boater's keychain is strong evidence of non-obviousness of the invention as claimed, and that the floating boater's keychain that has been a commercial success is covered by the pending claims, as should be evident from the copies of the purchase orders and copies of web pages from advertising Applicant's product, advertised under the name "Key-O-

Prene Boater's Key-Chains." It is therefore respectfully submitted that there is a clear nexus between Applicants' claimed invention and the commercial success of the commercial floating boater's keychains.

It is respectfully submitted that this evidence of commercial success of the claimed invention is indicative of non-obviousness. It is therefore respectfully submitted that the rejection of Claims 1, 3-8 and 10-12 on the grounds of obviousness from Buell, in view of keychains for a boater of the admitted prior art, and further in view of Bishop, should be withdrawn.

Claims 1, 3-8 and 10-12 were rejected under 35 U.S.C. §103(a) on the grounds of obviousness from Biggs et al. cited as Patent No. 4,165,890, in view of keychains for boaters of the admitted prior art. The patent to Biggs et al. is listed in the Notice of References Cited as Patent No. 1,841,780. Patent No. 4,165,890 was issued to Leff. The Examiner's rejection on the basis of Biggs et al. (4,165,890) is clearly erroneous.

Biggs et al. (Patent No. 1,841,780) discloses a key ring with a plurality of tags or leaves imprinted with hotel directory or advertising information. Patent No. 4,165,890 (Leff) discloses a key ring with a plurality of plastic envelopes into which a picture may be inserted, for use as an aid to communication by someone who could indicate one of the pictures. The Examiner indicated that it would have been obvious to one skilled in the art to make the cards of Biggs et al. (or perhaps Leff) from a buoyant material according to the admitted prior art if the cards are to be used in a water environment as in the case of boaters. However, there appears to be no teaching in Biggs et al. (or Leff) of using such cards on a key ring in a water environment as in the case of boaters.


It is respectfully submitted that a floating boater's keychain with one or more planar boating information pages connected to the keychain, with the one or more planar boating information pages being formed of a waterproof, buoyant sheet material, as is now recited in the claims, is not obvious from Biggs et al. (or Leff), in view of keychains for a boater of the admitted prior art, either taken individually or in combination. None of the references cited by the Examiner individually discloses the invention as claimed.

It is further respectfully submitted that it would not have been obvious for one of ordinary skill in the art to have combined the references cited to arrive at the invention as claimed, in view of the commercial success of the invention claimed, as discussed above. It is therefore respectfully submitted that the rejection of Claims 1, 3-8 and 10-12 on the grounds of obviousness from Biggs et al. (or Leff), in view of keychains for a boater of the admitted prior art, should be withdrawn.

In light of the foregoing remarks and the attached Declaration of David G. Parkhurst, it is respectfully submitted that the application should now be in condition for allowance, and an early favorable action in this regard is respectfully requested.

Respectfully submitted,

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Encls.: Return Postcard

Declaration of David G. Parkhurst

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